



#6 Election 11-30-01 H.F.S.
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Makoto OGISO et al.

Group Art Unit: 3748

Application No.: 09/721,949

Examiner: J. Corrigan

Filed: November 27, 2000

Docket No.: 107239

For: INTERNAL COMBUSTION ENGINE HAVING A VARIABLE VALVE TRAIN

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

RECEIVED

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

NOV 29 2001
TECHNOLOGY CENTER R3700

Sir:

In response to the Election of Species Requirement mailed October 26, 2001, Applicants provisionally elect the species of Figures 9-12 with traverse. Claims 1-3 and 6-27 read on the elected species. Claims 1 and 2 are generic to all species.

The Examiner is respectfully requested to acknowledge receipt of the certified copies of the priority documents which were filed with this application on November 27, 2000. In addition, the Examiner is respectfully requested to acknowledge receipt of the Information Disclosure Statements filed on November 27, 2000 and March 15, 2001.

The foregoing election is made with traverse. It is respectfully submitted that the subject matter of all species and all claims 1-27 is sufficiently related that a thorough search for the subject matter of any one species or group of claims would encompass a search for the subject matter of the remaining species and claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application

can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (emphasis added).

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants, and duplicative examination by the Patent Office.

Respectfully submitted,



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Date: November 26, 2001

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